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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,683	04/04/2006	Ulrich Bohne	3622	2207

7590 09/28/2009  
Striker, Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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09/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,683	<b>Applicant(s)</b> BOHNE, ULRICH	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3724

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/09 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is “a radius associated with one position or said form-locking element is eight times as large as a radius of said centering element” and “radius associated with one position of said form-locking element has a value of 24 mm”. The specification discloses the radius 18 located exceeds the radius 20 by a factor of four.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3724

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 10, 11, 17, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312).

Raines discloses (Fig. 1-20) the invention substantially as claimed including a centering element 22 has circular cross-section, at least one form-locking element/pin-like form (for example, 84 and 85), a tool (Fig. 7-10), a power tool 10, a drive shaft 12, See Fig. 12 the radius associated with one position of the form-locking element is more than twice as large as a radius of the centering element, at least one slaving face (the outer surface of the boss), a recess (for example, 34) with circumferential edge of 360 degrees and a diameter of 4-8 mm (inherently disclosed). Raines discloses the claimed invention except for a radius associated with one position or said form-locking element is eight times as large as a radius of said centering element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the a radius associated with one position or said form-locking element is four times as large as a radius of said centering element for the purpose of having a better connection, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

Art Unit: 3724

6. Claims 4-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Trott (5,729,904).

Raines discloses the invention substantially as claimed except for at least three or four rotary positions. However, Trott teaches the use of pins 32 for the purpose of connecting the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the pins as taught by Trott in order to obtain a device that quickly connects the blade. Trott pins are capable of connecting the blade in at least three or four rotary positions.

7. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Trott (5,729,904) as set forth in claim 5.

The modified device of Raines discloses the invention substantially as claimed except for at least twelve rotary positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing at least twelve rotary positions for the purpose of increasing the degree of freedom of the blade, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. The locking element of Raines are capable of operate with tools having triple symmetry and a quadruple symmetry by locating the circular locking element resting in the side walls.

Art Unit: 3724

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Hutchins et al. (5,694,693).

Raines discloses the invention substantially as claimed except for at least one chamfer. However, Hutchins et al. teaches the use of at least one chamfer (see Fig. 5-6) for the purpose of easily securing the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing at least one chamfer as taught by Hutchins et al. in order to obtain a device that easily secures the blade.

9. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Jasch (6,796,888 B2).

Raines discloses the invention substantially as claimed except for a spring element. However, Jasch teaches the use of a spring element 98 for the purpose of preventing a release of the screw in operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the spring element as taught by Jasch in order to obtain a device that prevents a release of the screw in operation.

10. Claims 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Goris (5,496,316).

Raines discloses (Fig. 1-20) the invention substantially as claimed including a centering element 22 has circular cross-section, at least one form-locking element/pin-like form (for example, 84 and 85), a tool (Fig. 7-10), a power tool 10, a drive shaft 12 and a recess (for

Art Unit: 3724

example, 34). Raines doesn't show a quadrangular cross section. However, Goris teaches the use of a locking element 20 having a quadrangular cross section (see Fig. 6-7) for the purpose of providing a secure and stable engagement of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking element of Raines by providing the quadrangular cross section as taught by Goris in order to obtain a device that provides a secure and stable engagement of the blade.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Goris (5,496,316).

Raines discloses the invention substantially as claimed except a trapezoid cross section. However, Goris teaches the use of a locking element 20 having a trapezoid cross section (see Fig. 7) for the purpose of providing a secure and stable engagement of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking element of Raines by providing the trapezoid cross section as taught by Goris in order to obtain a device that provides a secure and stable engagement of the blade.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312).

Raines discloses the claimed invention except for twelve rotary positions differ from each of their adjacent rotary positions by  $30^{\circ}$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the twelve rotary positions differ from each of their adjacent rotary positions by  $30^{\circ}$ , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering

Art Unit: 3724

the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

13. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312).

Raines discloses the invention substantially as claimed including a centering element 22, at least one form-locking element (for example, 84 and 85), a tool (Fig. 7-10), a power tool 10 and a drive shaft 12. Raines doesn't show more than eight form-locking elements and at least twelve rotary positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing more than eight form-locking elements and at least twelve rotary positions for the purpose of increasing the degree of freedom of the blade, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. The locking elements of Raines are capable of operating with tools having triple symmetry and a quadruple symmetry by locating the circular locking element resting in the side walls.

14. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Goris (5,496,316).

Raines discloses the invention substantially as claimed including a centering element 22, at least one form-locking element (for example, 84 and 85), a tool (Fig. 7-10), a power tool 10, a first tool part 16, a second tool part 14 and a drive shaft 12. Raines doesn't show an inclined section. However, Goris teaches the use of a locking element 20 having an inclined section (see Fig. 7) for the purpose of providing a secure and stable engagement of the blade. It would have



Art Unit: 3724

been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking element of Raines by providing the inclined section as taught by Goris in order to obtain a device that provides a secure and stable engagement of the blade.

15. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Goris (5,496,316) as applied to claim 30 above, and further in view of Jasch (6,796,888 B2).

The modified device of Raines discloses the invention substantially as claimed except for a spring element. However, Jasch teaches the use of a spring element 98 for the purpose of preventing a release of the screw in operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the spring element as taught by Jasch in order to obtain a device that prevents a release of the screw in operation.

### ***Response to Amendment***

16. The declaration under 37 CFR 1.132 filed 08/21/09 is insufficient to overcome the rejection of claims 1, 18, 27 and 30 based upon Raines and Goris as set forth in the last Office action because: fails to set forth facts. The declaration of facts doesn't provide any comparative test results, sales figures, etc., to be considers a fact. Also, Applicant argues that Raines lacks the following structure set in claim 1 that the form-locking element 12 having a radius four times large as the radius of the centering element 10 which provides for a compact and adequate for absorbing forces exerted on drivable tool. However, no test or data was disclosed to support the

Art Unit: 3724

argument that the structure was adequate for absorbing forces, and that Raines's structure was not capable of absorbing forces. The device of Raines is compact, since compact is relative term and the device could be compared with a bigger device. Also, the specification doesn't disclose the form-locking element 12 is for a compact, and adequate for absorbing forces exerted on drivable tool. Regarding the argument of claim 31, applicant doesn't define a first tool part and a second tool part in the claim.

### ***Response to Arguments***

17. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the prior arts don't show a radius associated with one position or said form-locking element is eight times as large as a radius of said centering element. However, the specification doesn't provide any critically for the limitation and it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art.

Regarding applicant arguments of more than eight form-locking elements or 12 form-locking elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing more than eight form-locking elements or 12 form-locking elements for the purpose of increasing the degree of freedom of the blade, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. Regarding claim 27, applicant had not provided

Art Unit: 3724

evidence that more than eight form-locking elements show unexpected results and less than eight form-locking elements are not capable of providing flexible usability and a stable construction.

Applicant opinion regarding claim 18 have not been consider, since the relevant reference of Goris which disclosed the quadrangular cross section have not been properly addressed.

### *Conclusion*

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./

Examiner, Art Unit 3724

9/23/2009

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724